

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NEPTOS, L.L.C.

Plaintiff,

No. 05-60148

Hon. John Corbett O'Meara

v.

NEXTPOS CORPORATION,

Defendant.

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**ORDER DISMISSING STATE LAW CLAIMS**

Plaintiff filed suit against Nextpos Corporation. Count I of Plaintiff's claim is based on an alleged violation of 15 U.S.C. § 1114. Counts II and III are alleged violations of the Lanham Act, 15 U.S.C. § 1125. Count IV alleges violations of the Michigan Consumer Protection Act, MCL § 445.903. Plaintiff has not pled diversity jurisdiction. This court declines to exercise supplemental jurisdiction over the alleged state law claim. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c). Accordingly, pursuant to 18 U.S.C. § 1367(c), Count IV is **DISMISSED**.

s/John Corbett O'Meara  
John Corbett O'Meara  
United States District Judge

Dated: August 3, 2005